

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD E. FISCHBEIN, MD,)
individually and on behalf of all others)
similarly-situated,)
Plaintiff,) Civil Action No. 19-5365
v.)) Hon. Nitzia I. Quiñones Alejandro
IQVIA, INC.,) CLASS ACTION
Defendant.))

**PLAINTIFF'S MOTION FOR RECONSIDERATION OF
THE ORDER DENYING CLASS CERTIFICATION OR, IN THE
ALTERNATIVE, TO CERTIFY A MORE NARROWLY-DEFINED CLASS
UNDER RULE 23(B)(3) OR AN ISSUES CLASS UNDER RULE 23(C)(4)**

Richard Shenkan (PA 79800)
Shenkan Injury Lawyers, LLC
P.O. Box 7255
New Castle, PA 16107
(412) 716-5800
rshenkan@shenkanlaw.com

Lawrence F. Stengel
Saxton & Stump, LLC
280 Granite Run Dr., Ste. 300
Lancaster, PA 17601
(717) 556-1080
lfs@saxtonstump.com

Phillip A. Bock (pro hac vice)
Bock Hatch & Oppenheim, LLC
203 N. La Salle St., Ste. 2100
Chicago, IL 60601
(312) 658-5500
service@classlawyers.com

*Counsel for Plaintiff
and the Putative Class*

For the reasons discussed in Plaintiff's contemporaneously-filed memorandum, Plaintiff respectfully requests that the Court reconsider its Order denying Plaintiff's motion for class certification. ECF 120. The ruling effectively bars TCPA junk fax class actions, regardless of the strength of the evidence or the clarity of the transmission records. Such a result is not compelled by Rule 23, the TCPA, or binding Third Circuit precedent. Alternatively, Plaintiff asks the Court to certify a narrower class under Rule 23(b)(3), excluding anyone who received Defendant's faxes through an online fax service, or to certify an issues class under Rule 23(c)(4).

Dated: June 20, 2025

Respectfully submitted,

By: /s/ Phillip A. Bock

Richard Shenkan (PA 79800)
Shenkan Injury Lawyers, LLC
P.O. Box 7255
New Castle, PA 16107
(412)716-5800
rshenkan@shenkanlaw.com

Phillip A. Bock (pro hac vice)
Bock Hatch & Oppenheim, LLC
203 N. La Salle St. Ste. 2100
Chicago, IL 60601
(312) 658-5500
service@classlawyers.com

Lawrence F. Stengel
Saxton & Stump, LLC
280 Granite Run Dr., Ste. 300
Lancaster, PA 17601
(717)556-1080
lfs@saxtonstump.com

Counsel for Plaintiff and the Class